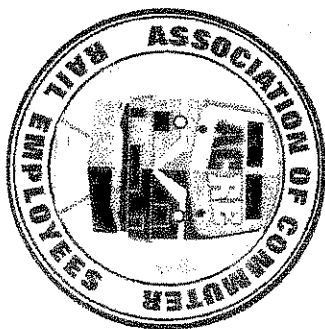




# Association of Commuter Rail Employees



## CONSTITUTION

## Members Bill of Rights

Each member of the Association of Commuter  
Rail Employees shall have the right to:

- ☐ A copy of the Constitution and their Local Division Bylaws.
- ☐ A copy of the contract and all letters of understanding agreed to by the Association of Commuter Rail Employees.
- ☐ Participate in meetings and run for office.
- ☐ Be fully informed about the progress of any grievance or other union action that directly affects the individual member.
- ☐ Initiate Constitutional and Bylaw amendments and recall of officers.
- ☐ Vote in all elections and binding agreements with management.
- ☐ A full and fair hearing of any charges presented against them.

## **Preamble**

*"We, the employees of commuter  
railroads providing service in the  
public sector, are establishing this  
Association in order to achieve  
objectives which are paramount to our  
individual and collective interests, and  
to pursue unity of action in all things  
necessary to advance our members'  
welfare. To this end, we do hereby  
ordain this Constitution"*

## **ARTICLE I**

### **Name and Location**

This organization shall be known as The  
Association of Commuter Rail Employees. Its  
headquarters shall be located in New York.

## **ARTICLE II**

### **Purpose**

The Association of Commuter Rail Employees has  
been established to provide employees an organization  
that both recognizes and affords representational  
autonomy to distinct crafts while pursuing unity of  
action to achieve goals common to all.

## **ARTICLE III**

### **Objectives**

To secure full and complete rights for all  
employees who are eligible for membership.

To advance the economic and social well being  
of the membership and to promote the improvement of  
conditions in the employment of the membership.

To encourage mutual understanding and support  
in obtaining our objectives through cooperation with  
our membership, the carrier and the riding public we  
all serve.

## ARTICLE IV

### Membership

All persons are eligible for membership who are employed by a commuter railroad.

No person shall be denied membership on the basis of sex, race, national origin, religious or political beliefs.

No person shall be denied or excluded from our organization because of the exercise of their right to freedom of speech.

To gain membership an applicant must fill out an application for membership to the appropriate Local Division of ACRE. The applicant, when accepted, will receive a membership card, a copy of ACRE's Constitution, and be entitled to all the benefits of membership.

A member is in good standing when they are current with their dues. All members must pay dues in accordance with Local Division Bylaws.

A member shall automatically be dropped from the rolls of this organization upon being two (2) months in arrears in the payment of their dues. Reinstatement cannot begin until said member becomes current with their dues.

Every member shall uphold the Constitution of ACRE and their Local Division Bylaws. No member shall initiate or institute policies or actions that would be detrimental to any or all members of ACRE. Members found guilty of the above listed charges may be disciplined up to and including expulsion.

## ARTICLE V

### Government

Authority to represent member interests shall be delegated to the Local Divisions and the Executive Board, which shall constitute this Union's official governing units.

#### Section 1: The Local Divisions:

Each Local Division will be chartered to represent the distinct interests and needs of each recognized craft within The Association of Commuter Rail Employees.

Each Local Division shall maintain an account large enough to cover any expenses incurred by the Local Division, including funding of the Executive Board, through a dues assessment placed on members of the Local Division under their administration in accordance with Local Division Bylaws. Unless specifically excluded or delegated to the Executive Board, Local Divisions shall have the power to carry on all the business affairs of their respective memberships.

Each Local Division shall adopt Bylaws in addition to and in conformance with, the Constitution of the Association of Commuter Rail Employees and the Office of Labor-Management Standards of the Department of Labor.

Local Division Bylaws must be approved by the Executive Board and filed with the Executive Board Secretary/Treasurer.

Each Local Division shall have the authority to elect their own officers, establish committees and boards as necessary, establish procedures for voting, establish provisions to fill vacant offices, set their own dues structures, establish procedures for disbursing funds, set the time and place of regular monthly meetings and determine salaries of Local Division

1 Officers and Committee members within their Bylaws.  
2 Local Divisions shall work towards the resolution of  
3 contractual and non-contractual disputes in the  
4 workplace, maintain records of grievances and their  
5 dispositions, be responsible for the processing of  
6 grievances beyond the immediate work location, and  
7 make decisions regarding disputes to be taken to  
8 arbitration or other prescribed remedy in accordance  
9 with Local Division Bylaws.

10 Local Divisions shall have jurisdiction over their  
11 own financial management and be responsible for their  
12 own administration in accordance with Local Division  
13 Bylaws.

14 Collective Bargaining Agreements must be  
15 ratified by referendum ballot conducted among those  
16 members working under the jurisdiction of the  
17 agreement in accordance with Local Division Bylaws.

18 Local Division Bylaws shall establish a Board of  
19 Appeals to arbitrate disputes within Local Divisions.

20 Local Division Bylaws shall establish an Election  
21 Committee to conduct and supervise all elections and  
22 referenda of the Local Division.

23 No Local Division can be merged with another  
24 Local Division without the majority vote, held by  
25 referendum ballot, of each Local Division involved in  
26 the merger.

## 27 Section 2: The Executive Board:

28 The Executive Board shall serve as the official  
29 legislative and general governing body of the  
30 organization.

31 The Executive Board shall be comprised of a  
32 General Chairperson from each of the Local Divisions,  
33 the Executive Legislative Director, and the Executive  
34 Board Secretary/Treasurer. Only the General  
35 Chairperson shall be voting members of the Executive  
36 Board. Issues coming before the Executive Board will  
37

1 require unanimous consent of the voting members of  
2 the Executive Board. Any issue not receiving unanimous  
3 consent shall be considered deadlocked and will be  
4 presented to the general membership for a vote in  
5 accordance with Article VII Section 2 and Local Division  
6 Bylaws upon motion of two (2) voting members of the  
7 Executive Board.

8 At the first meeting of the Executive Board, the  
9 General Chairperson shall elect a Director of the  
10 Executive Board (DEB). The DEB will serve at the  
11 direction of the Executive Board and remain subject to  
12 recall by a majority vote of the Executive Board. The  
13 Director of the Executive Board shall serve a term of  
14 three (3) years. If a Director of the Executive Board is  
15 unable to complete their term or no longer holds office,  
16 the Executive Board will elect a new DEB to fill the  
17 vacancy for the duration of the term.

18 The Executive Board will elect an Executive  
19 Board Secretary/Treasurer (EBST), from among the  
20 incumbent Treasurers of the Local Divisions of ACRE.  
21 The Executive Board Secretary/Treasurer shall serve  
22 for a term of three (3) years.

23 The Executive Board will arrange for bonding of  
24 the Director of the Executive Board and the Executive  
25 Board Secretary/Treasurer from Executive Board funds.  
26 The Executive Board will also arrange for bonding of all  
27 Local Division Officers who are authorized to handle  
28 funds. The cost of bonding shall be borne by the Local  
29 Divisions.

30 The Executive Board will arrange for a yearly  
31 audit of the Executive Board and Local Division  
32 accounts. The cost of the audits shall be borne by the  
33 Executive Board.

34 The Executive Board shall meet monthly, or at the  
35 call of the Director of the Executive Board, or by a  
36 majority of its members, for the purpose of initiating,  
37 overseeing, or revising the program of the organization

1 and to conduct other business of the organization that is  
2 within its authority.

3 The Executive Board shall maintain sufficient  
4 funds to cover all known and/or anticipated expenses  
5 incurred by the Executive Board through a per capita  
6 dues assessment placed on the members of Local  
7 Divisions under their administration. Funds collected by  
8 Local Divisions for the operation of the Executive Board  
9 will be deposited in the Executive Board account on a  
10 monthly basis.

11 The Executive Board shall establish and prepare  
12 an annual budget in the month prior to the beginning of  
13 the fiscal year, which shall be established by the  
14 Executive Board. The Executive Board may employ  
15 sufficient personnel and such other assistance as  
16 necessary to properly conduct the business affairs of  
17 ACRE.

18 The Executive Board shall be empowered to  
19 make contracts and incur liabilities including the  
20 purchase of services, office space, equipment and real  
21 property, to hire persons deemed necessary for the  
22 conduct of business, and to otherwise engage in  
23 financial transactions to the extent permitted by  
24 applicable law or statute.

25 The Executive Board shall be responsible for  
26 providing office space for Local Divisions under the  
27 jurisdiction of ACRE.

28 The Executive Board shall be notified timely of  
29 election results and or appointments made by each  
30 Local Division's Election Committee for filing with the  
31 Executive Board Secretary/Treasurer.

32 The Executive Board shall be responsible for  
33 adherence to and enforcement of the Constitution.

34 The Executive Board may take any necessary  
35 action to deal with situations not covered by this  
36 Constitution to protect the interests of the members  
under its jurisdiction.

1 The Executive Board shall issue regular reports  
2 to the Trustees, make available the minutes of meetings  
3 and present an annual report to the membership of all  
4 Local Divisions.

5 The Executive Board shall establish a Legislative  
6 Committee that will be comprised of the Legislative  
7 Representatives of each Local Division, as established  
8 and elected in accordance with the Bylaws of the Local  
9 Divisions. The Legislative Committee shall be  
10 responsible for monitoring and proposing government  
11 legislation that may affect the membership.

12 The Executive Board may establish special  
13 committees as necessary.

14 The Executive Board shall have exclusive  
15 authority to grant Local Division Charters. As of June  
16 1, 2000, a new Charter must have a minimum of fifty (50)  
17 members to be considered for an independent Local  
18 Division. Crafts representing less than fifty (50)  
19 members may be considered for admittance into an  
20 existing Local Division.

21 Voting members of the Executive Board will  
22 receive no pay, stipends or other remuneration from  
23 the Executive Board for serving on the Executive Board.  
24 Executive Board members will be reimbursed for  
25 receipted expenses and lost wages incurred in the  
26 performance of their duties.

### 27 **Section 3: Director of the Executive Board:**

28 The duties of the Director of the Executive Board  
29 shall be to chair meetings of the Executive Board and  
30 exercise general supervision over its affairs and  
31 interests. The Director of the Executive Board will serve  
32 as spokesman for the Executive Board and be  
33 responsible for the enforcement of policy. The Director  
34 of the Executive Board will be authorized to co-sign  
35 financial instruments.

Unless otherwise specified, the Director of the Executive Board may only act on matters agreed to be of common interest to all Local Divisions represented and only at the direction of the Executive Board.

The Director of the Executive Board will receive no pay, stipends or other remuneration from the Executive Board for serving on the Executive Board.

The Director of the Executive Board will be reimbursed for receipted expenses and lost wages incurred in the performance of their duties.

**Section 4: Executive Board Secretary/Treasurer:**

The Executive Board Secretary/Treasurer will receive, record and deposit all monies in the name of the Executive Board, be authorized to co-sign financial instruments, disburse funds according to the instructions of the Executive Board, and maintain a written record of the minutes of meetings. The Executive Board Secretary/Treasurer will not vote on the Executive Board.

The Executive Board Secretary/Treasurer will serve at the discretion of the Executive Board. The Executive Board Secretary/Treasurer will receive four-(4) days pay per month at the highest prevailing rate represented by ACRR.

**Section 5: Executive Legislative Director:**

The Executive Legislative Director will be elected by secret ballot of the members of the Legislative Committee to serve as Chairperson of the Legislative Committee. If a candidate cannot be agreed upon, the Local Divisions will conduct a secret mail referendum election of the general membership handled in accordance with Article VII Section 2 and the Local Division Bylaws.

The Executive Legislative Director will have no vote on the Executive Board. The Executive Legislative

Director shall handle all legislative matters referred to them by the Legislative Committee and the Executive Board.

The Executive Legislative Director will be responsible for the preparation of regular Legislative reports to be distributed to the Executive Board. The Executive Board will determine compensation for the Executive Legislative Director.

**ARTICLE VI**

**Officers of Local Divisions**

**Section 1: Officers:**

Every Local Division shall elect a General Chairperson, a President, a Vice President, a Secretary/Treasurer, two (2) trustees, a three- (3) member Board of Appeals and a Legislative Representative.

Local Divisions shall hold regularly scheduled elections for all union officers and committee members as required by law. Local Divisions may create additional officers and positions deemed necessary for the operation of the Local Division and as required under the Local Division Bylaws.

**Section 2: Duties:**

**The General Chairmen shall:**

Serve as the Executive Board member of the Local Division, have the authority to conduct contract negotiations with the Carrier, settle grievances pertaining to the interpretation of agreements including, but not limited to, rules, contractual agreements, working conditions, disciplines and pay rates. The General Chairperson shall furnish a yearly report describing their activities to the membership under their jurisdiction.

**The President shall:**

Be the presiding officer at all meetings of the membership and the Local Division, and shall be responsible for the ongoing administration of the Local Division.

Be a member of all standing and special Local Committees, with the exception of the Election Committee and appoint standing and special committees including the Election Committee.

Oversee and supervise all employees of the Local Division. Receive, report and respond to all correspondence of the Local Division.

Along with the Local Division Treasurer, is a financial officer of the Local Division, empowered to co-sign financial instruments and make regular and usual disbursements of Local Division funds.

Make an annual report to the Local Division membership of all activities, decisions and potential events that affect the membership of the Local Division.

Delegate the responsibilities of the office except where otherwise prohibited by the Constitution.

**The Vice President shall:**

Assume the duties of the President in the event of absence, recall, illness or death of the President.

Oversee and assist the President in the fulfillment of their duties.

Perform other duties as delegated by the President.

Co-sign financial instruments in the absence of the President.

**The Secretary/Treasurer shall:**

Maintain the financial and non-financial files and records of their respective Local Division including a roster showing the name, address and employment status of each member of the respective Local Division.

Be custodian of the charter of the Local Division. Record and keep accurate minutes of meetings of the membership.

Assist the President in handling correspondence of the Local Division as well as any duties delegated by the President.

Be a standing member of the Election committee, oversee its work, and receive, certify and file its reports.

Perform the duties of the office as required by the Labor-Management Reporting and Disclosure Act.

Shall be required to submit an annual copy of Form LM-2 or LM-3 to the Executive Board before April 1<sup>st</sup> of each year.

Receive, record, deposit and disburse Local Division funds as prescribed by the ACRE Constitution and Local Division Bylaws.

Issue membership cards and notes of delinquency.

Along with the Local Division President, be a financial officer of the Local Division, empowered to co-sign financial instruments and make regular and usual disbursements of Local Division funds.

Prepare and submit all financial reports as required under Federal, State and Local law as well as ACRE Constitutional requirements.

Perform the duties of the office as required by the Labor-Management Reporting and Disclosure act.

Assist the President of the Local Division as well as performing duties delegated by the President.

**The Trustees shall:**

Represent the financial interests of the members and monitor the activities of the Local Division and the Executive Board.

**The Board of Appeals shall:**

Consider and determine all appeals submitted under the provisions of this Constitution and Local Division Bylaws.

**The Legislative Representative shall:**

Coordinate and monitor legislative efforts directed toward the enactment, enforcement and improvement of regulations and laws that concern the health, safety and general welfare of the membership.

**ARTICLE VII**

**Elections**

**Section 1:**

To be eligible for office a member must be in good standing of the Local Division and ACRE.

All general and special elections of the Local Division must be conducted in such a manner as to insure secrecy and integrity of the ballot and maintain recommended time frames as established by and conducted in accordance with the regulations established for elections by the Office of Labor-Management Standards. Officers of Local Division shall be elected by secret ballot. These procedures, including the posting of election notification as well as any pertinent election material shall be clearly described in the Local Division Bylaws. Vacant offices shall be filled in accordance with Local Division Bylaws. A recall election of any Local Division Officer for unwillingness or inability to perform the duties and responsibilities of their office, or for violation of any provision in this Constitution or Local Division Bylaws, may be initiated by a petition stating specific charges and signed by no less than 35% of the active membership in good standing. The recall petition shall be presented to the acting President of the Local

Division at a regular or special meeting of the membership. In the event the recall is for the current President of the Local Division, the petition shall be presented to the Vice-President of the Local Division. The President or Vice-President must present the petition to the Election Committee within five (5) days of receipt of petition. The Election Committee shall determine the validity of the signatures on the petition and if held valid, a secret mail referendum recall vote will be held within thirty (30) days of the presentation of said petition in accordance with Article VII Section 2 of this Constitution and Local Division Bylaws. A majority vote of the members in good standing in favor of recall shall constitute recall. Vacant offices shall be filled in accordance with Local Division Bylaws.

A candidate may challenge the results of any election. Such challenge must be made within five (5) days of the posting of election results. The challenge must be presented in writing to the Local Division President or Vice-President, and must state the specific charges. The President of the Local Division, or if the election for Local Division President is challenged, the Vice-President, shall convene the Board of Appeals of the Local Division to investigate the dispute. The investigation will proceed in a timely manner not to exceed ten (10) days. The decision of the Board of Appeals will result in either a new election for the specific office challenged, or dismissal of the complaint.

In Local Divisions representing more than one (1) craft, the Local Division Election Committee will provide a separate ballot for each eligible member voting in their craft for Local Division Officers.

Upon completion of all elections, a copy of the exact return with the total number of votes cast for each candidate must be forwarded to the DEB within thirty (30) days. The Local Division Secretary will maintain all

election records and materials for a minimum of one (1) year.

**Section 2:**

A secret ballot will be required for all elections and referendums sent to the general membership.

**ARTICLE VIII**

Finances and Revenues

Members shall make dues payments established by Local Division Bylaws to their Local Division Treasurer for disbursement according to Local Division Bylaws. Funding for the Executive Board will be on a per capita basis from Local Division revenues in the amount of:

\$20 per member per month to the General Fund

These funds will be deposited in the Executive Board's General Fund and cover expenses and other expenditures under the Executive Board's direction. Dues for Local Division expenditures will be set through Local Division Bylaws. These funds will cover salaries, expenses and other expenditures of the Local Divisions.

All Association of Commuter Rail Employees dues are due and payable on or before the first day of the month for which they apply and are delinquent after the 20<sup>th</sup> day of the same month. Executive Board dues must be remitted to the Executive Board Secretary/Treasurer (EBST) by the 1<sup>st</sup> day of the next succeeding month and are delinquent 10 days thereafter.

**ARTICLE IX**

Rules of Order

Robert's Rules of Order, Revised shall govern this organization and all of its subordinate bodies in all not covered by this Constitution or the Local Division Bylaws of this organization.

**ARTICLE X**

Amendments

Any member of a Local Division may present a proposed amendment to the Constitution in writing at a Local Division meeting. The proposed amendment will be read at two (2) successive regular meetings, and voted on at the 2<sup>nd</sup> regular meeting.

If approved, by a two-thirds (2/3)-majority vote of members present at the 2<sup>nd</sup> regular meeting, the proposed amendment will be sent to the Executive Board. The Executive Board will then forward it to all Local Divisions to be read at two (2) successive regular meetings, and voted on at the 2<sup>nd</sup> regular meeting. The proposed amendment must be approved by a two-thirds (2/3)-majority vote of members present at the Local Divisions meeting.

If all Local Divisions approve the proposed amendment, it shall be implemented into the Constitution.

If the proposed amendment is approved by one half (1/2) of all Local Divisions, but fails to receive unanimous approval, a mail referendum ballot will be sent to the general membership of the Association of Commuter Rail Employees. A two-thirds (2/3) majority of the returned ballots will be required for passage and implementation of an amendment.

# ARTICLE XI

## Miscellaneous

Members of the Association of Commuter Rail Employees grant complete authority to ACRE to act in their behalf in the handling of any and all grievances against their employer.

No member or officer shall resort to the civil courts for redress of any grievance until all avenues provided by their Local Division Bylaws and this Constitution have been exhausted.

All Collective Bargaining Agreements will require member ratification. Ratification of Collective Bargaining Agreements will be conducted by the Local Division Election Committee through a mail referendum of the membership under the contract's jurisdiction. A majority vote of ballots cast will be required for ratification

At the first meeting of the Local Division, a Local Division Bylaws Committee will be created, and Local Division dues will be established by a majority vote of members in attendance.

# ARTICLE XII

## Saving Clause

The Director of the Executive Board, with approval of the Executive Board, may take such actions as may be deemed necessary to meet situations not covered in the Constitution in order to protect the interest of the membership of the Association of Commuter Rail Employees.

If any portion of this Constitution is found to be in violation of a Federal, State or Local law, such law shall supercede that portion of the Constitution, but only to the extent and within the limits of the law, and provided

that any change shall not affect the validity of the remaining portions of this Constitution.

# ARTICLE XIII

## Political Action Committees

The Executive Board will have the authority to establish and manage Political Action Committees (PACs) with voluntary member contributions.

# ARTICLE XIV

## Affiliations

The Executive Board may initiate proposals for affiliation with any other Labor Organization. Proposed affiliations including application to the AFL-CIO must go to the general membership for approval through a referendum vote in accordance with Article VII Section 2 and Local Division Bylaws. A two-thirds (2/3) majority of ballots cast shall constitute passage of the proposed affiliation.

# ARTICLE XV

## Authorizing Strikes

Any member of the Executive Board requesting strike authorization shall call for the Director of the Executive Board to poll the Executive Board members. Strike authorization will be granted if passed by a two-thirds (2/3) majority vote of the Executive Board.

**INSTALLATION OATH**

Installing Officer:

*"Do you pledge to honestly and faithfully fulfill the tasks that be before you to the best of your ability within the framework of the Constitution and the local Division Bylaws of the Association of Commuter Rail Employees?"*

Elected Officer:

*"I do"*

President or Installing Officer:

*"By the authority vested in me as \_\_\_\_\_ of local Division \_\_\_\_\_ of the Association of Commuter Rail Employees, I now have the high honor and privilege of installing you who have been duly elected to serve as \_\_\_\_\_"*